

Defendant GEICO Casualty Company (“GEICO”)¹ hereby gives notice that this action is removed to the United States District Court for the District of Oregon, Portland Division, from the Circuit Court of the State of Oregon for Washington County. Pursuant to 28 USC §1441 and 28 USC §1446, GEICO further states:

PROCEDURAL POSTURE--STATE COURT ACTION

1. GEICO is the sole defendant named in a civil action filed by plaintiff in the Circuit Court of the State of Oregon for Washington County, entitled *Shanno Johnson v. GEICO Casualty Insurance Company, a foreign business corporation*, Washington County Circuit Court Case Number 16CV36291 (the “State Court Action”).
2. The State Court Action was commenced when plaintiff filed his Complaint with the Clerk for the Circuit Court of the State of Oregon for Washington County on or about November 1, 2016. And, through service on its registered agent, GEICO first received the Summons and Complaint on November 4, 2016. As of the date of the filing of this Notice of Removal of Civil Action, 30 days have not elapsed from the time this matter first became removable.
3. This Notice of Removal of Civil Action is timely, under 28 USC §1446(b), in that it is being filed within 30 days of the GEICO’s first receipt of plaintiff’s Complaint. Apart from Notices of Removal, GEICO has filed no pleadings in this action to date.
4. The Following pleadings constitute all of the process, pleadings, and orders received by GEICO or filed by plaintiff in the State Court Action up to the present time: the

¹ Plaintiff’s Complaint improperly identifies Defendant as “Geico Casualty Insurance Company.” The relevant insurance policy was issued by “Geico Casualty Company.”

initial Summons and Complaint, true copies of which are attached to this Notice of Removal as Exhibits “A” and “B,” respectively, and the Affidavit of Service, attached to this Notice as Exhibit “C”.

5. The State Court Action is a controversy between citizens of different states. GEICO is informed and has a good faith belief that plaintiff is, and at all material times has been, an Oregon resident. GEICO is, and at all material times has been, a corporation duly incorporated under the laws of the State of Maryland, with its principal place of business in Chevy Chase, Maryland.
6. The State Court Action is a civil action by plaintiff for “Breach of Contract,” concerning a “Claim for Underinsured Motorist Benefits,” with a Claim for recovery of plaintiff’s reasonable attorneys’ fees under ORS 742.061. Plaintiff alleges his “Claim Amount” is “\$186,738.00” for “economic damages” and for “non-economic damages,” exclusive of plaintiff’s attorneys’ fees. Accordingly, the amount of the matter in controversy in the State Court Action is in excess of the sum of \$75,000, exclusive of interest and costs. GEICO denies that it is liable to plaintiff for the allegations and Claims asserted in the State Court Action.

STATEMENT OF JURISDICTION

7. This Court has original jurisdiction of this civil action pursuant to 28 USC §1332, and the action, therefore, is subject to removal pursuant to 28 USC §1441(a).
8. Venue is proper in the United States District Court for the District of Oregon, Portland Division, because the State Court Action is removed from the Washington County Circuit Court of Oregon.

9. GEICO is concurrently filing a Notice to State Court of Removal with the Clerk of the Washington County Circuit Court, in accordance with 28 USC §1446(d). Such Notice is also being concurrently served on plaintiff through his attorneys.

GEICO's NON-WAIVER AND RESERVATION of RIGHTS

10. By filing this Notice of Removal of Civil Action, GEICO does not waive, and it expressly reserves, all rights, claims, defenses, privileges and/or objections of any nature that GEICO may have to plaintiff's allegations, Claims, and State Court Action.

DATED this 18th day of November, 2016.

GORDON & POLSCER, L.L.C.

/s/ *Brian C. Hickman*

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